

JACKSON LEWIS P.C.

Joshua A. Sliker, (Nevada Bar No. 12493)
 joshua.sliker@jacksonlewis.com
 3800 Howard Hughes Parkway, Suite 600
 Las Vegas, Nevada 89169
 Telephone: (702) 921-2460
 Facsimile: (702) 921-2461

HUESTON HENNIGAN LLP

John C. Hueston (*admitted pro hac vice*)
 jhueston@hueston.com
 Allison L. Libeu (*admitted pro hac vice*)
 alibeu@hueston.com
 523 W. 6th St., Suite 400, Los Angeles, CA 90014
 Telephone: (213) 788-4340
 Facsimile: (888) 775-0898

Attorneys for Plaintiff/Counter-Defendant Tesla, Inc.

TIFFANY & BOSCO, P.A.

Robert D. Mitchell (*admitted pro hac vice*)
 rdm@tblaw.com
 William M. Fischbach III (*admitted pro hac vice*)
 wmf@tblaw.com
 Christopher J. Waznik (*admitted pro hac vice*)
 cjw@tblaw.com
 Jason C. Kolbe (Nevada Bar No. 11624)
 jck@tblaw.com
 Kevin S. Soderstrom (Nevada Bar No. 10235)
 kss@tblaw.com
 Camelback Esplanade II, Seventh Floor
 2525 East Camelback Road Phoenix, Arizona 85016-4229
 Telephone: (602) 255-6000
 Facsimile: (602) 255-0103

Attorneys for Defendant/Counter-Plaintiff Martin Tripp

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC, a Delaware corporation,

Plaintiff,

v.

MARTIN TRIPP, an individual,

Defendant.

AND RELATED COUNTERCLAIM

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 150px;"> DEC - 3 2018 </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

Case No.: 3:18-cv-00296-LRH-CBC

**STIPULATION AND ~~(PROPOSED)~~
 MODIFICATION TO SCHEDULING
 ORDER**

(FIRST REQUEST)

STIPULATION AND [PROPOSED] MODIFICATION TO SCHEDULING ORDER

1 Pursuant to Local Rule 26-4, Plaintiff and Counter-Defendant Tesla, Inc. ("Tesla") and
2 Defendant and Counter-Plaintiff Martin Tripp ("Tripp") submit the following Stipulation and
3 Proposed Modification to Scheduling Order. The parties respectfully submit that modification of
4 the scheduling order is warranted due to intervening holidays and the unavailability of counsel. In
5 support of and as good cause for this stipulation, the parties state as follows:

- 6 (a) On August 28, 2018, the Court entered the Discovery Plan and Scheduling Order
7 ("Scheduling Order") (ECF No. 31);
- 8 (b) On August 29, 2018, the parties exchanged initial disclosures pursuant to Federal
9 Rule of Civil Procedure 26(a)(1) and the Scheduling Order;
- 10 (c) On October 1, 2018, the Court held a case management conference, during which
11 the Court noted that the Scheduling Order may need to be extended (ECF No. 42);
- 12 (d) During the discovery period, the parties exchanged requests for documents,
13 interrogatories, and requests for admission as well as responses thereto;
- 14 (e) On October 30, 2018, Tesla noticed Tripp's deposition and the depositions of
15 certain third parties to occur in late November and early December;
- 16 (f) On October 31, 2018, Tripp's counsel informed Tesla that they were not available
17 on the date that Tesla noticed for Tripp's deposition nor all but one of the dates
18 noticed for depositions of third parties;
- 19 (g) On October 31, 2018, Tesla agreed to continue the depositions to mutually
20 convenient dates;
- 21 (h) On November 8, 2018, Tesla disclosed its expert and expert report pursuant to
22 Federal Rule of Civil Procedure 26(a)(2) and the Scheduling Order;
- 23 (i) On November 8, 2018, Tripp proposed that the parties meet and confer regarding a
24 possible extension of an unspecified number of case deadlines;
- 25 (j) On November 15, 2018, Tripp proposed that the parties agree to extend the
26 following deadlines to allow for the taking of depositions and completion of
27 remaining discovery: (i) the deadline for disclosure of rebuttal experts and their
28

reports; (ii) the discovery cutoff date; (iii) the deadline for dispositive motions; and
(iv) the deadline for filing the pretrial order;

(k) This is the first request for modification of the Scheduling Order;

(l) With the exception of the deadline for disclosure of rebuttal experts and their reports, this stipulation complies with Local Rule 26-4 in that it is filed not later than twenty-one (21) days before the subject deadlines;

(m) Tesla does not oppose Tripp's request to extend the deadline for disclosure of rebuttal experts and their reports.

For the foregoing reasons, the parties stipulate and respectfully request that the Scheduling Order be modified as follows:

1. **Federal Rule of Civil Procedure 26(a)(2) Disclosures (Experts):** Disclosure of rebuttal experts and their reports shall occur by **December 21, 2018**.

2. **Discovery Cutoff Date:** Discovery shall be extended to **March 11, 2019**. This is the deadline for completing discovery and means all discovery must be commenced in time to be completed by **March 11, 2019**.

3. **Dispositive Motions:** Dispositive motions may be filed no later than **April 10, 2019**, which is thirty (30) days after the discovery deadline. In the event that the discovery period is extended from the discovery cutoff date set forth herein, the date for filing dispositive motions shall be extended for the same duration, to be no later than thirty (30) days from the subsequent discovery cutoff date.

4. **Pretrial Order:** The pretrial order shall be filed by **May 10, 2019**, which is not later than thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision of the dispositive motions or until further order of the Court. In the further event that the discovery period is extended from the discovery cutoff date set forth herein, the date for filing the joint pretrial order shall be extended in accordance with the period set forth in this paragraph. The disclosures required by Federal Rule of Civil Procedure 26(a)(3), and any objections thereto, shall be included in the pretrial order.

1 5. All other deadlines remain as stated in the Discovery Plan and Scheduling Order
2 (ECF No. 31) previously entered by the Court.

3
4 Dated: November 27, 2018

HUESTON HENNIGAN LLP

5
6 /s/ Allison L. Libeu
7 Allison L. Libeu
8 *Attorneys for Plaintiff Tesla, Inc.*

9 Dated: November 27, 2018

TIFFANY & BOSCO, P.A.

10 /s/ Christopher J. Waznik
11 Christopher J. Waznik
12 *Attorneys for Defendant Martin Tripp*

13 **ORDER**

14 **IT IS SO ORDERED**

15
16 
17 THE HON. CARLA BALDWIN CARRY
18 UNITED STATES MAGISTRATE JUDGE

19 DATED: 12/3/2018
20
21
22
23
24
25
26
27
28